REMARKS

Dealing with preliminary matters first, Applicants thank the Examiner for acknowledging Applicants' claim to priority and receipt of the priority document. Further, Applicants thank the Examiner for indicating that drawings are acceptable. Finally, it is noted with appreciation that the references cited in the Information Disclosure Statement filed on July 21, 2006 has been considered. With respect to the Examiner comment regarding an IDS filed on October 30, 2007, Applicants note that this submission was not an IDS, but rather merely a submission of the International Preliminary Report on patentability for the Examiner's benefit. The references cited therein have already been considered.

Claims 1-14 are all the claims pending in the application. Claims 1, 2, 6, 9, 10, 12 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nachtigal, et al. (U.S. Patent Publication No. 2005/0275565). Further, claims 3, 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpantable over Nachtigal in view of Bandyopadhyay, et al. (U.S. Patent No. 6,872,325). Still further, claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachtigal in view of Abe, et al. (U.S. Patent No. 7,229,703). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nachtigal in view of Abe as applied to claim 4 above, and further in view of Norimatsu (JP 2003/057070). (hereinafter JP '070). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unaptentable over Nachtigal in view of Loubier (U.S. Patent No. 4,549,157). To advance prosecution and without prejudice, Applicants have canceled claims 1-14 in favor of new claims 15-48. For the following reasons, it is submitted that the new claims patentably distinguish over the above prior art.

Nachtigal et al.

In the claimed invention, the magnetic encoder is constituted by the thermoplastic resin, the thermoplastic resin having soft segment in a molecule and the magnetic member. It is basically constituted by the thermoplastic resin and the magnetic member.

To the contrary, Nachtigal is constituted by the thermoplastic polymer, elastomeric polymer and the magnetic member. An elastomeric polymer is, what is called, rubber, and is different from the thermoplastic resin. *See* paragraphs [0027] and [0028) of Nachtigal.

In fact, Nachtigal actually teaches away from the present invention (*see* paragraph [0005] of Nachtigal), and is indeed quite different from the present invention.

Bandyopadhyay

As noted above, in the present invention, the magnetic encoder is constituted by the thermoplastic resin, the thermoplastic resin having soft segment in a molecule and the magnetic member. It is basically constituted by the thermoplastic resin and the magnetic member.

To the contrary, Dandyopadhyaymerely discloses a method for manufacturing the magnetic encoder by mixing the polymeric resin and the magnetic powder. Hence, Bandyopadhyay is also quite different from the present invention including the thermoplastic resin having soft segment in a molecule.

Abe

In the present invention, an adhering agent is coated on the stinger in advance, and the insert molding is peformed in a semicured state. Due to such a structure, adhered state between

the encoder and the slinger is improved. *See* paragraphs [0044] and [0057) of the present specification.

To the contrary, Abe merely discloses a structure wherein a rubber magnet is provided on an adhering agent coated on the slinger, and is quite different from the present invention.

Norimatsu

In the present invention, the surface roughness is Ra of 0.2 to 2.0. In case of Ra < 0.2, it is difficult to provide an encoder on a surface of the slinger by the wedge effect.

Further, in case of Ra > 2.0, it is difficult to treat by the chemical etching. *See* paragraph [0047] of the present specification.

To the contrary, Norimatsu merely discloses Ra $\geq$ 0.8, and is different from the present invention.

Loubier

In the present invention, a magnetic field is applied in a shaft direction to make the orientation of the magnetic member anisotropic, while the resin encoder is subject to the insert molding by a disk gate method to a slinger. Thereby, by making the orientation of the magnetic member anisotropic, it is possible to obtain a high magnetic flux density by magnetization thereafter. *See* paragraphs [0091] to [0094] of the present specification.

To the contrary, Loubier merely discloses the insert molding by the disk gate, and is therefore different from the present invention as well.

Based on the foregoing, it is submitted that the claims patentably distinguish over the above prior art.

Accordingly, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Brian Hannon/

Brian W. Hannon
Registration No. 32,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
WASHINGTON DC SUGHRUE/265550
65565
CUSTOMER NUMBER

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